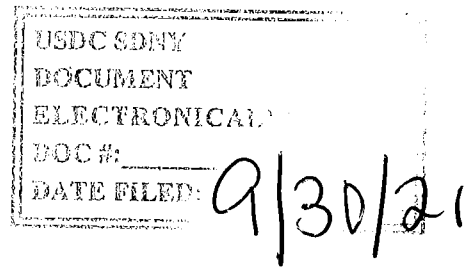


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARCIA VILLACIS, individually and on :
behalf of others similarly situated, :
Plaintiff, :
:

v. :

DELGADO'S DELI & RESTAURANT, INC. :
and CORINA ORTIZ, :
Defendants. :
-----X



ORDER

21 CV 230 (VB)

On September 17, 2021, defendant Corina Ortiz served plaintiff with an offer of judgment to be entered against her and in favor of plaintiff in the sum of \$39,000. The offer of judgment was signed by Corina Ortiz. It made no mention of entering judgment against the other defendant in this case, Delgado's Deli & Restaurant, Inc. (Doc. #28).

On September 24, 2021, plaintiff filed a notice of acceptance of offer of judgment stating plaintiff accepted the "offer of judgment made by Defendants" pursuant to Federal Rule of Civil Procedure 68, and attaching the aforementioned offer of judgment made only by defendant Corina Ortiz. (Doc. #33).

That same day, the parties filed a proposed judgment stating plaintiff filed an acceptance of offer of judgment. The parties proposed the Court enter judgment in favor plaintiff and against both defendants jointly and severally. (Doc. #31).

Accordingly, it is HEREBY ORDERED:

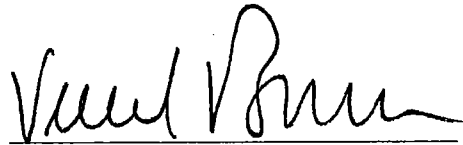
The Court declines to so-order the proposed judgment entering judgment against both defendants because the offer of judgment that plaintiff accepted was made only by defendant Corina Ortiz.

By October 8, 2021, the parties shall file either (i) an offer of judgment made by both defendants and notice of acceptance of that judgment, or (ii) advise the Court that they intend to

rely on plaintiff's acceptance of the offer of judgment made only by defendant Corina Ortiz. If the parties select option (ii), they shall file an updated proposed judgment entering judgment against only defendant Corina Ortiz. In that case, plaintiff must also advise the Court of how she intends to proceed with her claims against defendant Delgado's Deli and Restaurant, Inc.

Dated: September 29, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge